

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR BOVIO,

Petitioner,

Case Number: 06-15213

v.

HONORABLE AVERN COHN

U.S. PAROLE COMMISSION,

Respondent.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION
AND
DENYING APPLICATION FOR WRIT OF HABEAS CORPUS AND
PETITIONER'S MOTION FOR SUMMARY JUDGMENT
AND
DISMISSING CASE

I.

This is a habeas case under 28 U.S.C. § 2241. Petitioner Arthur Bovio (Petitioner) is a federal prisoner incarcerated for offenses committed while on parole. Petitioner challenges a parole violation detainer that was placed with the Bureau of Prisons. The matter was referred to a magistrate judge for all proceedings, including preparation of a report and recommendation (MJRR). Petitioner also filed a motion for summary judgment. The magistrate judge issued an MJRR recommending that the petition and Petitioner's motion for summary judgment be denied.

II.

Before the Court are Petitioner's objections to the MJRR. Having reviewed the MJRR de novo in light of Petitioner's objections, the Court finds that the magistrate judge did not err in recommending that the petition be denied or that Petitioner's motion for summary judgment be denied. The magistrate judge, in a thorough-going analysis,

carefully and fully explained why Petitioner is not entitled to relief on his claims related to the parole violation detainer. Nothing in Petitioner's objections alters the Court's conclusion.

The magistrate judge also noted, however, that Petitioner may be entitled to mandamus relief if a dispositional review of the detainer was not conducted in accordance with the statutory requirements. The record was apparently unclear at the time of filing the MJRR as to whether a dispositional review occurred. Subsequent to the issuance of the MJRR, the government submitted a Notice of Disposition Review and attached documents confirming that a dispositional review was conducted on June 8, 2007 in compliance with the statutory requirements. Thus, mandamus relief is not warranted.

III.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Petitioner's application for writ of habeas corpus is DENIED. Petitioner's motion for summary judgment is DENIED. This case is DISMISSED.

SO ORDERED.

Dated: April 21, 2008

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Arthur Bovio, 00884424, FCI Milan, P.O. Box 1000, Milan, MI 48160 on this date, April 21, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160